

Message Text

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PAGE 01 STATE 024502
ORIGIN NEA-10

INFO OCT-01 ISO-00 HA-05 SS-15 /031 R

DRAFTED BY NEA/ARP:DWINN:CEJ
APPROVED BY NEA/ARP:J W TWINAM
NEA:S SOBER
NEA/RA:SPALMER
D/HA:M SCHNEIDER

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O 302324Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY ABU DHABI IMMEDIATE

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FOR AMBASSADOR

E.O. 11652: N/A

TAGS: SHUM, TC, US

SUBJECT: ADVANCE NOTIFICATION OF HUMAN RIGHTS REPORT

REF: STATE 18330

1. FINAL TEXT OF HUMAN RIGHTS REPORT FOR UAE, WHICH WILL BE SUBMITTED TO CONGRESS BY JANUARY 31, IS TRANSMITTED HERewith. YOU SHOULD, AT YOUR DISCRETION, PROVIDE TEXT OF REPORT TO APPROPRIATE HOST GOVERNMENT OFFICIALS, PRIOR TO THAT DATE.

2. IN PROVIDING ADVANCE COPY TO HOST GOVERNMENT, YOU SHOULD MAKE THE FOLLOWING POINTS IN EXPLANATION:

-- THE EFFECT OF LEGISLATION WHICH BECAME EFFECTIVE LAST
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YEAR IS TO REQUIRE THE SECRETARY TO SUBMIT A "FULL AND COMPLETE" REPORT ON THE STATUS OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES EITHER DEVELOPMENT OR SECURITY ASSISTANCE FROM THE UNITED STATES.

-- WE BROUGHT THIS LEGAL REQUIREMENT TO THE ATTENTION OF

THE UAE GOVERNMENT LAST NOVEMBER.

-- 109 SUCH HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE CONGRESS O/A JANUARY 31. WE ARE PROVIDING THEREFORE AN ADVANCE COPY OF THE REPORT ON THE UAE.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUBLISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE REPORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE ATTENTION IN THE PRESS.

3. BEGIN TEXT: THE UNITED ARAB EMIRATES (UAE), FORMED IN 1971 WHEN THE LONGSTANDING BRITISH PROTECTIVE RELATIONSHIP WITH THE SO-CALLED "TRUCIAL STATES" ENDED, IS A FEDERATION OF SEVEN SMALL SHEIKHDOMS ALONG THE COAST OF THE PERSIAN GULF AND THE GULF OF OMAN. THE UAE'S HIGHEST EXECUTIVE AND LEGISLATIVE BODY IS THE SUPREME COUNCIL OF RULERS, WHOSE CHAIRMAN, THE RULER OF ABU DHABI, IS ALSO PRESIDENT OF THE UAE. THE COUNTRY'S OUTLOOK ON HUMAN RIGHTS REFLECTS BOTH THE ISLAMIC AND BEDOUIN TRADITIONS OF THE REGION AND THE CONCEPTS OF THE RULE OF LAW
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ASSOCIATED WITH THE LONG BRITISH PROTECTIVE ROLE.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

NO INSTANCES OF TORTURE HAVE COME TO OUR ATTENTION. THE CONSTITUTION PROVIDES CLEAR SAFEGUARDS AGAINST SUCH PRACTICES.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

THE CRIMINAL LAW IN THE UAE IS STILL IN A DEVELOPING STAGE. SOME EMIRATES, NOTABLY ABU DHABI, HAVE BEEN MOVING TOWARD RESTORING ISLAMIC LEGAL PROCEDURES AND PENALTIES IN THE PLACE OF PRACTICES INTRODUCED BY THE BRITISH. IN PART, THIS TREND IS A REACTION TO THE STILL MODEST BUT RISING CRIME RATE POPULARLY ASSOCIATED WITH THE PRESENCE IN THE EMIRATES OF LARGE NUMBERS OF FOREIGN WORKERS. CRIMES SUCH AS RAPE ARE NOW PUNISHED BY PUBLIC FLOGGING AS WELL AS BY IMPRISONMENT. PRISON CONDITIONS

ARE ADEQUATE. RECENTLY A JUDGE IN ABU DHABI SENTENCED A THIEF TO AMPUTATION OF A HAND, BUT THIS PUNISHMENT

IS BEING APPEALED. THE CHIEF OF STATE, SHEIKH ZAYID, HAS GENERALLY USED HIS POWERS TO COMMUTE CAPITAL PUNISHMENT TO LESSER PENALTIES. THE NOVEMBER 1977 EXECUTION OF THE POLITICAL ASSASSIN OF A MINISTER OF STATE FOLLOWING THE TRIAL AND CONVICTION BY AN ISLAMIC COURT WAS AN EXCEPTION.

C. ARBITRARY ARREST OR IMPRISONMENT

THE LAW DOES NOT PROHIBIT SUMMARY ARREST OR IMPRISONMENT, WHICH HAS OCCURRED IN CASES INVOLVING THE SECURITY OF THE STATE. THERE IS NO EVIDENCE OF ANYONE HAVING BEEN IM-LIMITED OFFICIAL USE

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PRISONED FOR HIS POLITICAL BELIEFS.

D. DENIAL OF FAIR PUBLIC TRIAL

THE UAE HAS COURTS WITH EXPERIENCED JUDGES, MAINLY DRAWN FROM OTHER ARAB COUNTRIES, WHICH PROVIDE FAIR AND PUBLIC TRIALS. CRIMES AND PUNISHMENTS ARE DEFINED BY LAW, AND AN ACCUSED IS PRESUMED INNOCENT UNTIL PROVEN GUILTY BY A COURT OF LAW.

E. INVASION OF THE HOME

WHILE THE CONSTITUTION GUARANTEES FREEDOM FROM ARBITRARY SEARCH, SUCH SEARCHES OCCASIONALLY OCCUR IN EXTRAORDINARY CIRCUMSTANCES (SUCH AS A PERCEIVED THREAT TO THE SECURITY OF THE STATE).

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

THE UAE HAS MADE A MAJOR EFFORT TO FULFILL THE BASIC NEEDS OF ITS CITIZENS FOR FOOD, SHELTER, HEALTH CARE, AND EDUCATION. EXPERT HEALTH CARE IN MODERN FACILITIES IS FREE TO ALL CITIZENS, AS WELL AS NON-CITIZENS.

THE GOVERNMENT SUBSIDIZES ACADEMICALLY-ELIGIBLE STUDENTS FROM KINDERGARTEN THROUGH UNIVERSITY. MODERN SCHOOLS, THROUGH THE UNIVERSITY LEVEL, EXIST OR ARE IN THE FINAL STAGES OF CONSTRUCTION THROUGHOUT THE UAE. THE LEVEL OF WOMEN'S EDUCATION IS VIRTUALLY ON A PAR WITH THAT OF MEN, THOUGH CLASSES ARE CONDUCTED SEPARATELY. THE UAE GOVERNMENT HAS PROVIDED LAND, AND IN SOME CASES, FINANCIAL HELP LIMITED OFFICIAL USE

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FOR THE ESTABLISHMENT OF SCHOOLS FOR THE EXPATRIATE COMMUNITY.

WHILE THE RAPID PACE OF ECONOMIC DEVELOPMENT HAS LED TO SOME DISORGANIZATION IN PUBLIC ADMINISTRATION, AS WELL AS

SOME MALFEASANCE AND PROFITEERING, MUCH OF THE GOVERNMENT'S ENERGIES HAVE BEEN EXPENDED ON FINDING NEW WAYS TO CHANNEL OIL REVENUES TO THE PEOPLE. THE UAE HAS THE HIGHEST PER CAPITA INCOME IN THE WORLD AND A STRONG PUBLIC WELFARE POLICY; THEREFORE, CORRUPTION HAS NOT SIGNIFICANTLY DIVERTED RESOURCES FROM THE POOR.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

CITIZENS OF THE UAE ARE GRANTED FREEDOM OF THOUGHT AND RELIGION, IN LAW AND PRACTICE. THE UAE MEDIA ARE FREE TO CRITICIZE GOVERNMENT LEADERS AND HAVE DISSEMINATED INFORMATION EMBARRASSING TO THE GOVERNMENT WITHOUT SUFFERING RETRIBUTION. THE CONSTITUTION GUARANTEES RELIGIOUS FREEDOM AND PERMITS CHURCHES OF VARIOUS FAITHS. THE GOVERNMENT HAS MADE LAND AVAILABLE TO PROTESTANT AND CATHOLIC CHURCHES, SOME OF WHICH OPERATE THEIR OWN SCHOOLS. THE CONSTITUTION GUARANTEES FREEDOM OF ASSEMBLY "WITHIN THE LIMITS OF THE LAW". IN PRACTICE, THE AUTHORITIES PROHIBIT GATHERINGS THEY CONSIDER TO BE THREATS TO PUBLIC ORDER; LARGE POLITICAL MEETINGS ARE VIRTUALLY UNKNOWN IN THE UAE.

THERE IS NO ORGANIZED LABOR MOVEMENT IN THE UAE. VIRTUALLY THE ENTIRE LABOR FORCE IN THE COUNTRY IS FOREIGN. LABOR ORGANIZATIONS ARE NOT ENCOURAGED BY THE GOVERNMENT.

THE STATUS OF WOMEN, FOR THE MOST PART, IS STILL GOVERNED
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BY CONSERVATIVE TRIBAL AND ISLAMIC VALUES. INCREASINGLY, YOUNG WOMEN ARE AVAILING THEMSELVES OF OPPORTUNITIES FOR MODERN EDUCATION AND ARE ADOPTING MORE LIBERAL CUSTOMS. FAMILY AND SOCIETAL PRESSURES, HOWEVER, STILL TEND TO CONFINE MOST UAE WOMEN TO THE HOME. LIBERAL GOVERNMENT POLICIES WITH RESPECT TO WOMEN'S EDUCATION ARE CONTRIBUTING TO THEIR ADVANCEMENT.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL
AND EMIGRATION

THERE IS NO RESTRAINT ON FREEDOM OF MOVEMENT WITHIN THE
COUNTRY. FOREIGN TRAVEL AND EMIGRATION FOR ALL CITIZENS
ARE UNRESTRICTED.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

IN THE UAE FEDERAL ASSEMBLY THE APPOINTED REPRESENTATIVES
OF THE SEVEN SMALL SHEIKHDOMS SPEAK OUT WITH IMPUNITY ON

POLITICAL ISSUES, BUT THERE IS NO DEMOCRATIC PROCESS FOR
SELECTING REPRESENTATIVES OR EXECUTIVE LEADERS. PERMANENT
GOVERNMENT STRUCTURES AND PRACTICES HAVE NOT YET BEEN
SHAPED BECAUSE THE CENTRAL AUTHORITY IS STILL IN THE PRO-
CESS OF ATTEMPTING TO ACHIEVE FEDERAL UNITY AND ARRIVE AT
A PERMANENT CONSTITUTION.

IN THE TRIBAL TRADITION OF THE SHEIKHDOMS THAT COMPRISE
THE UAE, CITIZENS ARE ENCOURAGED TO EXPRESS THEIR VIEWS
TO LEADERS, AND GOVERNMENT DECISIONS IN THE INDIVIDUAL
STATES ARE NORMALLY MADE ON THE BASIS OF CONSULTATION WITH
LEADING MEMBERS OF THE SOCIETY. EXPATRIATES ARE EXPECTED
TO DESIST FROM POLITICAL ACTIVITY WHICH IN ANY WAY WOULD
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DIRECTLY AFFECT OR INVOLVE THE UAE.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL
AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS
OF HUMAN RIGHTS

NO VIOLATIONS OF HUMAN RIGHTS HAVE BEEN ALLEGED, AND NO
INTERNATIONAL INVESTIGATIONS HAVE BEEN PROPOSED. END TEXT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE024502
Document Source: CORE
Document Unique ID: 00
Drafter: DWINN:CEJ
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780045-0072
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978016/aaaaafea.tel
Line Count: 265
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6d9463e3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 18330
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3769879
Secure: OPEN
Status: NATIVE
Subject: ADVANCE NOTIFICATION OF HUMAN RIGHTS REPORT
TAGS: SHUM, TC, US
To: ABU DHABI
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/6d9463e3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014